

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## SENATE ENROLLED ACT No. 262

AN ACT concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "department" refers to the department of environmental management.**

(b) **As used in this SECTION, "excess liability fund" refers to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1.**

(c) **Before September 1, 2000, the department shall develop a nonrule policy document under IC 13-23 to address the circumstances in which a spill or release from an underground storage tank may have migrated to real property that is owned or operated by a person or entity that does not own or operate the site where the underground storage tank is located. The nonrule policy document shall address the following:**

- (1) Guidance for addressing the need for a responsible party to undertake a reasonable, good faith effort to obtain access to offsite property impacted by a petroleum release or spill.**
- (2) Guidance for addressing:**
  - (A) when the department may issue an order granting a responsible party offsite access; and**
  - (B) the department's subsequent exercising of its discretion in pursuing an enforcement action against a responsible**



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party for failing to determine the extent of offsite contamination.

(3) Guidance for addressing when the department and its excess liability trust fund may approve for reimbursement under that fund the costs of a responsible party's investigation and remediation efforts, including an initial site characterization and corrective action plan, when offsite contamination has not been fully delineated because of lack of offsite access.

(d) The department shall work with interested stakeholders in developing the nonrule policy document and keep the environmental quality service council apprised of its efforts to develop the nonrule policy document.

(e) This SECTION expires January 1, 2001.

SECTION 2. An emergency is declared for this act.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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